IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 22016 of 2007(U)

PETITIONER:

M.PARTHIPARAJAN,
PARTHASARATHI BHAVAN, MUKATHALA P.O.,
KIZHAVOOR, KOLLAM, NOW RESIDING AT CHEMBAKASSERIL LANE, KOTTAMALA, MUNDAKKAL, KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:
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1. DISTRICT SUPERINTENDENT OF POLICE,
KOLLAM DISTRICT, KOLLAM.

2. CIRCLE INSPECTOR OF POLICE,
EAST POLICE STATION, KOLLAM.

3. SUB INSPECTOR OF POLICE,
EAST POLICE STATION, KOLLAM.

4. GEETHA,
RAILWAY QUARTERS, QUARTERS NO.199 A,
NEAR RAILWAY STATION OFFICE, KOLLAM.

5. DHANARAJAN,
RAILWAY QUARTERS, QUARTERS NO.199 A,
NEAR RAILWAY STATION OFFICE, KOLLAM.

6. ASHOKAN,
RAILWAY QUARTERS, QUARTERS NO.199 A,
NEAR RAILWAY STATION OFFICE, KOLLAM.

7. KANNAN,
RAILWAY QUARTERS, QUARTERS NO.199 A,
NEAR RAILWAY STATION OFFICE, KOLLAM.

BY ADV. SRI.P.SANTHALINGAM R4 TO R6
SMT.K.USHA
GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 22016/2007 U

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE COMPLAINT BEFORE THE R3 DT. 14/07/2007.

RESPONDENT'S EXHIBITS

EXT.R4A. COPY OF THE COMPLAINT FILED BY THE R4 BEFORE THE POLICE ON 20/06/05.

True copy

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K.BALAKRISHNAN NAIR&

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 22016 OF 2007-U

Dated 26th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner submits, he is an employee of Padma Traders and Mangalya Agencies. Padma Traders is being run by one Smt.Sindhu Premnath. The 4th respondent is the petitioner's wife, the 5th respondent is her father and respondents 6 and 7 are her brothers. There is some difference of opinion between the petitioner and his wife. It appears she is doubting his fidelity. She has the feeling that the petitioner is having some relationship with the proprietor of Padma Traders. Therefore, her brothers along with the father came to Padma Traders, abused and threatened the employees there and smashed the wind screens of the vehicles parked there. This was done on 13.7.2007. So, the petitioner filed Ext.P1 complaint before the 3rd respondent S.I of Police, seeking police protection. Thereafter this writ petition is filed, seeking the following relief:

"(i) to issue a writ of mandamus or any other writ, order or

direction compelling the commanding respondent Nos.1 to 3 to give adequate and effective police protection to the life of the petitioner and for practising his profession as driver and for carrying out his business, from respondent Nos.4 to 7 and their henchmen."

2. The respondents 4 to 6 have filed a counter affidavit, denying the allegations against them. They allege that the petitioner is having illicit relationship with Smt. Sindhu Premnath and on coming to know of it, the father and brothers of the 4th respondent went there to enquire about the same. Other allegations regarding threatening, manhandling etc., are denied by them. They submit that the 4th respondent has preferred Ext.R4(a) petition against the petitioner and Smt.Sindhu Premnath before the Superintendent of Police, Kollam. They also point out that M.C.No.249/05, O.S.No.292/2005 and O.P.(HMA) No.465/05 filed by the 4th respondent against the petitioner are pending before the Family Court, Kollam.

3. The learned Government Pleader, upon instructions, submitted that Ext.P1 was not received by the S.I of Police. The said Sindhu Premnath has filed a complaint before the police raising allegations against respondents 5 to 7. Since it was a family dispute, the police did not interfere.

4. Having regard to the facts of the case, we feel that the dispute involved in this case is a dispute between husband and wife. Of course, the

people of the wife are supporting her. In view of the nature of the allegations against the petitioner, we feel that it is not proper for this Court to order protection to the petitioner. If such an order is passed, on the strength of that order, there is likelihood of his continuing the alleged illicit activities. Accordingly, the writ petition is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/